

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ORDER

Before the Court is the Report and Recommendation of United States Magistrate Judge Bana Roberts entered February 19, 2009. Doc. No. 8. No objection to the Report and Recommendation has been filed nor has an extension of time in which to object been sought or granted. It is observed that mail from the Court to Plaintiff has been returned as undeliverable. However, pursuant to LCvR 5.4(a), Plaintiff, who is *pro se*, is required to notify the Court of any change in his mailing address, which he has not done. Also pursuant to that Local Rule, papers sent to Plaintiff at his last known address are deemed delivered. Accordingly, the Court ADOPTS the Report and Recommendation of the Magistrate Judge [Doc. No. 8] recommending that this action be dismissed based on Plaintiff's failure to comply with court orders and rules and failure to prosecute. This action is, therefore, DISMISSED without prejudice to refiling.

IT IS SO ORDERED this 13th day of March, 2009.

David L. Russell
DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE